I beg to lay on the Table, under section 15 of the Government Savings Bank Act, 1873, a copy (in English and Hindi) of the Ministry of Finance (Department of Economic Affairs) Notification G.S.R. No. 805 (E), dated the 21st July, 1988, publishing the Post Office (Monthly Income Account) (Amendment) Rules, 1988. [Placed in Library. See No. LT- 6356/88]

Narmada Water (Amendment) Scheme, 1988

THE MINISTER OF STATE IN THE MINISTRY OF LAW AND JUSTICE (SHRI H. R. BHARDWAJ): on behalf of SHRIMATI KRISHNA SAHI, I beg to lay on the Table, under sub-section (7) of Section 6A of the Inter-State Water Disputes (Amendment) Act, 1980, a copy (in English and Hindi) of the Ministry of Water Resources, Notification S.O. No. 467(E), dated the 4th May, 1988, publishing the Narmada Water (Amendment) Scheme, 1988. [Placed in Library. See No. LT—6294|88].

I. **All India Services (Death-cum-Retirement benefits) second Amendment Rules, 1988.**

II **Indian Police Service (Pay) Fifth Amendment Rules, 1988.**

III. **Indian Police Service (Fixation of Cadre Strength) Fifth Amendment Regulations, 1988.**

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI P. CHIDAMBARAM): Sir, I beg to lay on the Table, under sub-section (2) of section 3 of the All India Services Act, 1951, a copy each (in English and Hindi) of the following Notifications of the Ministry of Personnel, Public Grievances and Pensions (Department of Training):—

(i) G.S.R. No. 567, dated the 16th July, 1988, publishing the All India Services (Death-*cum*-Retirement Benefits) Second Amendment Rules, 1988.

(ii) G.S.R. No. 586, dated the 23rd July, 1988, publishing the Indian Police Service (Pay) Fifth Amendment Rules, 1988.

(iii) G.S.R. No. 589, dated the 23rd July, 1988, publishing the Indian Police Service (Fixation of Cadre Strength) Fifth Amendment Regulations, 1988.

[Placed in Library. See No. LT—6339/88 for (i) to (iii)]

[**The Deputy Chairman** in the Chair]

SHORT DURATION DISCUSSION

I. Recent disclosures in the Press regarding the Bofors deal—Contd.

THE MINISTER OF DEFENCE (SHRI K. C. PANT): Madam Deputy Chairman, I am grateful to the hon. Members who have participated in this debate. In particular, I would like to thank Shri P. Shiv Shanker, my colleague, who has taken part in the debate and has clarified many points which have been raised. I would also like to thank Shri Bekal Utsahi for breaking the monotony of the proceedings by giving us a speech in verse. It is seldom that anybody ventures to speak in the House in verse, particularly on a subject like this; to have the courage to speak in poetry, is all to his credit. Madam, towards the end of the debate, I could sense a feeling of tiredness among friends opposite, those few of them who were left here. (*Interruption*). Mr. Upendra was conspicuous by his absence during most of the debate through which I sat. So, it seems as though they are going through a motion. They are going through the motion; I have no objection to that. I merely pointed out that many of them were not in the House yesterday. But I do not blame them partly because we have debated this matter earlier in the House and I remember, that

during the last debate on the J.P.C. report, much of the ground was covered, and that it is very difficult to separate the J.P.C. report from what appeared in the Hindu and necessarily, therefore, once again, much of the ground which had been covered earlier, has also again to be referred to. I would have liked to avoid that but I am afraid that since many points have been raised in relation to the J.P.C. report, I may not be able to do that. So, I will try to confine my remarks to the minimum necessary but I cannot avoid it altogether. Now, on the Hindu documents, the point which was raised by many hon. Members was that this is material which has come after the JPC report and they drew their inferences from the report, from the material which is published in 'The Hindu'. Now, I again would not like to go into the details of the material because many Members have gone into those details and have analysed whatever has appeared in 'The Hindu'. But I would just like to mention two or three points which have been made. That is, assuming that the material is authentic, various Members have drawn some inferences. I heard more than one Member say, firstly, that payments had not ceased by the end of 1986 as stated by Bofors before the JPC but had continued till as late as March 1987; secondly, that the character of the payments as winding up charges is not established but, on the contrary, it would appear that the payments are commission payments; thirdly that the agreement between Bofors and Svenska of 1986 was an ante-dated document. Now, some other friends did not agree and put forward their own points of view. I do not propose to go into all that. Shri Bhatia put forward his case cogently. Shri Bansal, Shri Anand Sharma, Shri Sukul and other friends spoke clearly. But I would like to refer to one aspect, not to score a debating point but just to point out how, in this mass of papers, sometimes confusions can arise. In the published papers, in 'The Hindu', an analysis has been attempted by 'The Hindu' itself, which has been repeated in the House, liking Svenska to Anatronic General Corporation, also to Shri Win Chadha. This was referred to by more than one Member. Shri Jaswant Singh, on the other hand, said there is a link between Svenska and Hinduja. Now, he is a capable Member and yet, because of the mass of papers, such mistakes can occur, if it is a mistake, if the papers are authentic and so on. Earlier, in April, papers with regard to Pitco, etc. were published in 'The Hindu'—Svenska came in June—and there, the attempt was to establish a nexus between Pitco, Hinduja, Moineao, Moresco and so on. So, the Hindujas came there apparently although both Hindujas and, as Shri Jaswant Singh said, Bofors, denied this. I am only pointing out that these matters have to be gone into rather carefully. Even the facts have to be gone into carefully so that we come to the right conclusion. It is only in that sense that I wanted to make this point.

Now, my friend, Shri Gurupadaswamy, Shri Lakshmanna and then others later and most vehemently, I think Shri Chitta Basu, asserted that everything has been established; the existence of middlemen, the payment of commissions, the involvement of Indians, everything has been finally established, clearly established. And yet, in the same breath, all my friends went on to ask for some form of enquiry. Somebody said a second JPC should be established; somebody said, I forget now who, that a judicial commission should be formed. Different proposals came forward. If everyone is convinced that the matter is established, no further proof or evidence is required, what is the need for anything else? You are convinnced and yet you ask for an inquiry. It means you are not really convinced...

PROF. C. LAKSHMANNA (Andhra Pradesh): There is a small point...

SHRI K. C. PANT: I have eonugh material to reply....

SHRI M. S. GURUPADASWAMY (Karnataka): I think Mr. K. C. Pant is indulging in conundrums.

SHRI K. C. PANT: I don't think there is any doubt about what I said. I think there can be no dispute in this respect. People who are certain in their mind that this is proof, this is evidence, would never ask for an inquiry...

SHRI M. S. GURUPADASWAMY: May I say he is indulging in conundrums? There is proof. But this proof has to be established. Therefore, we demanded an inquiry.

SHRI K. C. PANT: You are not clear in your mind and I don't blame you...

SHRI M. S. GURUPADASWAMY: You are not clear in your mind.

SHRI K. C. PANT: The only person who put it very fairly was Shri Balaram who said: we want an inquiry, you want an inquiry; where is the difference between us? Let us proceed. I can understand it. It is a fair way of putting it and it is the right way of putting it. And that is what is happening. So, I would like to take the House along with me. I do not want to repeat what they may have seen in the press about what I said in the other House. In any case much of that has already been said and I do not want to take the time of the House unnecessarily. We wrote to Bofors obviously and in clearest terms we said that the analysis of the papers published in the Hindu points to the following inferences, a, b, c, d, etc. But you have been telling us the following. There is a discrepancy between the two. Please explain these two. They sent us a reply which more or less repeated what they had said earlier and not commenting on the specific newspaper report. We certainly did the obvious thing. We first made inquiries of them.

Now the question of winding up charges which Bofors have always put forward. This has been explained by several other friends in detail. Yesterday Shri Madan Bhatia explained it in detail. I do not want to go into that. I only refer to it because Bofors have not denied that they had consultants. It is not as though they denied; they have not denied that they had consultants. They only said, "You asked us not to have agents, that you would not deal through agents, that you would not negotiate through agents, etc. Therefore, we had to wind up the existing arrangement and hence the winding up charges." Now to what extent that is different, to what extent Hindu has got new facts, I am not going into that. I am only saying that this is the basis on which they have been talking of winding up charges. So one must understand that basis. The other step we have taken is to as the CBI to inquire into this whole matter and the CBI as well as other investigating agencies have been given certain tasks. Somebody asked yesterday: What are the specific tasks that have been assigned to the CBI? The CBI has been asked to inquire into all aspects of the matter and, in particular, to investigate the authenticity of the published material, the identities of the recipients, whether any Indian received any part of the payments and, if so, the services for which they were paid. These are the specific tasks which have been assigned to them.

Now, Shri Gurupadaswamy and some other Memebers, Shri Virendra Verma, Shri Gopalsamy and some other Members also, referred to the Swiss Bank accounts and as to whether we cannot get more information from them and whether Government has approached them or not. So, I would like to inform them that the consultations which the CBI had in Switzerland indicate that the taking of evidence and the proof of documents for the purpose of criminal proceedings in India or Switzerland would be possible only if the facts which have come out constitute an offence punishable under the law of both the countries. Shri Bansal ex-

plained this point yesterday. As this House is aware, to fulfil the requirements of the Swiss laws, the Criminal Procedure Code of India has been recently amended by Parliament and an understanding with the Swiss Government for mutual assistance in criminal matters is likely to be finalised shortly. It would be possible for our investigating agencies to determine the form in which they want to pursue this matter further as soon as the current inquiries have made more headway. This is the present position and it is not as though for the mere asking they are going to give you that information and that this is necessary, these pre-conditions are necessary. These are the steps which the Government is taking.

Now, while talking about the CBI, Shri Dipen Ghosh made a statement which, I think, might have slipped out. I do not want to pin him down and I do not think that it was deliberate. But he said that it should be an autonomous organization. But the trouble is... (*Interruptions*)...

SHRI DIPEN GHOSH (West Bengal): I said that the CBI has no autonomy and so, an independent method of investigation must be there. I also said that the CBI is under the Government and, therefore, the CBI report runs the risk of being tailored. That is what I said.

SHRI K. C. PANT: Yes, you said that. But you also said that it is under a Minister.

SHRI DIPEN GHOSH: Under a Ministry.

SHRI K. C. PANT: Under a Ministry and under a Minister. Now, as I said earlier, I do not think that he meant this. But, obviously, under our system, any inquiry agency has to be under some Ministry or under some Minister and it cannot be avoided.

SHRI DIPEN GHOSH: Yes.

SHRI K. C. PANT: I do not know whether there is any other way of doing it is there unless you have a police State or unless you have a system which is different. Under our democratically elected system, obviously, the Ministers have to be answerable. Today, you can ask me questions because I am answerable to you, answerable to Parliament generally. Today, on the CBI functioning, the Minister who is responsible has to come and answer to you and that is how we are answerable through you to the country. So, under this system, I do not understand how there could be any investigating agency which would not be under some Ministry or some Minister. I do not think that the FBI is not under a Minister or the corresponding British agency, the Directorate of Prosecution in the UK; that is also under a Ministry.

SHRI DIPEN GHOSH: But they have a different culture and they have a different tradition, unlike the one that you have got.

SHRI K. C. PANT: I do not think that you are so much enamoured of the US culture and tradition.

SHRI DIPEN GHOSH: But you will agree that on the basis of an FBI report there was an inquiry against Mr. Reagan and he had to appear before the concerned people. But here it does not happen.

SHRI K. C. PANT: Here the Prime Minister appears before you every day.

SHRI DIPEN GHOSH: Here the Prime Minister does not come before Parliament when the debate takes place.

SHRI K. C. PANT: Anyhow, please understand that the system of answerability under the system of parliamentary democracy requires all the Ministers to be answerable to Parliament whenever the necessity arises. There is no question of the Prime Minister not coming here or of anybody else not coming here. I am only saying—and I am sure—that you did

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not mean this. But this is what you said.

Now, the other point, the more serious point, is whether the investigative agencies have been able to get any information.

SHRI DIPEN GHOSH: *Prima facie.*

SHRI K. C. PANT: This is a serious point which has been made and I would like to mention that if you go into the record, if you go into the facts and if you go into the entire history of this particular matter which we have discussed so many times, you will find that, right from the beginning, the Government has been seriously instrumental in trying to uncover the truth and the facts and has used the investigative agencies to get at the facts. They have written to the Swedish Government. They have written to Bofors. They have placed the entire correspondence before Parliament so that they can also judge for themselves. And the JPC also had the assistance of investigative agencies.

Now, what are the basic facts before us today, and to what extent the investigative agencies helped or not, it is for you to judge. I will place the facts before you. For instance, for the first time a full statement about the amounts paid to the various firms is given on page 170 of the JPC Report, which I have here with me and the names of the firms, etc. are given. Now, those were obtained by the Government and the JPC. And they were obtained by the efforts of the investigative agencies. Before that, as you will recall, SNAB excised the names. So we did not know to whom these payments had been made. Now, is it not something for which just a word, a passing word of appreciation, for the investigative agencies is due—that all right, you have done well, you have got so much information, may be you should have got more? You are entitled to say that we should have got more. But for what they have got and for the good work they have done, for that at least they deserve a word of appreciation, not condemnation. So the JPC has done this.

Then, the names of recipient firms have been elicited. The investigative agencies went into the antecedents of these firms and they have given in the report so many things, which I do not want to repeat. But this question of nexus between PITCO, MORESCO and MOINEAO is also there as a result of the efforts made by the investigative agencies, all of which you can see in the Report itself.

Then, somebody mentioned—I think he referred to the fact that these companies were...what did he say?.. paper companies or whatever it is. Who found out this information? The agencies did not mince words about the character of the recipient companies and observed that they have not been registered for the purpose of secrecy and avoiding tax. This has been said by the investigative agencies. If you are today able to stand up and say this in this House, it is because of the information which has been supplied through the JPC Report, and that Report has got information because of the efforts of the investigative agencies. What have you contributed to this? What has Mr. Upendra, who talked about his visit to Sweden, contributed to this? It is the investigative agencies which have got all this information. The Hindu may have some information. That is being looked into. But which of my friends has been able to contribute to this? This is a point which you should seriously ponder over. You should not condemn the agencies which have been doing reasonably good work. You should say: Okay, this much you have done-full marks to you, for what you have not done we would like you to do more.

SHRI PARVATHANENI UPENDRA (Andhra Pradesh): Do you want

us to contribute to your cover-up operations? (*Interruptions*)

SHRI K. C. PANT: To cover-up operations also he has contributed enough in his own State.

SHRI PARVATHANENI UPENDRA: We have to learn from you. (*Interruptions*)

SHRI K. C. PANT: So, Sir, I would like only to say this that while it is not for me to go into the merits and demerits of all the investigative agencies in the world, I can only say that in this country the CBI has a certain name Whenever a problem arises in any State, the people in that State say: we do not want our local CID, please ask the CBI. Is it not correct? Any of my friends can stand up and say that what I am saying is wrong. Is it not correct? This is the credibility of the CBI in this country.

PROF. C. LAKSHMANNA: Did you make any survey about it?

SHRI K C. PANT: You deny it. I am asking you to deny it.

SHRI DIPEN GHOSH: That is not under the State Government. That is why... (*Interruptions*)

PROF. C. LAKSHMANNA: That does not solve the problem.

SHRI K. C. PANT: When I say this, I also say that it is necessary for this country to establish certain institutions and to place certain reliance on them. You place some reliance on the C.B.I. The very fact that all the sections place reliance on the C.B.I. will make it fairer, will make it function better. If the opposition accuses the C.B.I. or casts doubts on it, it will not create a healthy atmosphere After all, you are working to sit on this side of the House. You want to be in the Government.

SHRI DIPEN GHOSH: We are not casting doubts on the C.B.I. We are casting doubts on the Government because they are prone to tailor the reports of the C B.I.

(*Interruptions*)

SHRI DEBA PRASAD RAY: (West Bengal): They feel that the Central Government is the replica of the West Bengal Government. That is not correct.

SHRI K. C. PANT: It is not a debate in which I am out to score points. You can think over it. You can ponder over it. (*Interruptions*) Mr. Gopal samy, It is the people who will allow and it is the people who have today allowed. It is nobody else. My friends opposite have been driven to such a state that they remember only one victory in one by-election. It has become a mantra. (*Interruption*) The lesson of life has been learnt by all the opposition parties within a month and we are all waiting to see how it blossoms.

SHRI PARVATHANENI UPENDRA: When it blossoms, you will be out.

(*Interruptions*)

THE DEPUTY CHAIRMAN: Order please. Let the Minister continue.

SHRI K. C PANT: With regard to the selection of the gun, Shri Shiv Shanker Ji and Shri Anand Sharma have dealt with this aspect. So, I do not want to go into the process of the selection of the gun or into the quality of the gun. I believe that nobody has seriously questioned the quality of the gun. I would say that the gun has silenced its critics. One boom from the gun and many of its critics have been silenced. I would take up seriously only one point which was made. It is in relation to Gen. Sunderji's evidence. I take up that point because he is no longer in the Government. Of course, he is not in the House. Not being in the House and not being in the Government, having retired. I owe it to him to stand up in the House and clarify his position to the best of my ability. Madam, it is very unfortunate that his testimony should have been questioned. I take the respon-

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sibility for the decision. The Government takes the responsibility for the decision. You can blame us as much as you like. But why bring in the testimony of officers? Is it fair to do it? In a matter like this, the Government necessarily relies on the Chief of Army Staff. Should the Government rely on the Vice-Chief or a Brigadier or a Colonel? Should the Government go on setting one officer against the other? Is it the right way to maintain discipline in the Army or among the Defence Forces? Necessarily, whoever is the Chief of Army Staff, his opinion must carry weight for the Government. Any other way of handling this problem will lead to chaos and will create untold difficulties and my friends are experienced enough to realise that this is so. Can anybody think that the Chief of Army Staff, whose men have to fight wars and battles, who lose lives, who stake their lives on the weapons that they have, that the Chief of Army Staff would deliberately buy a weapon which he considers second-best to please anybody? Do you seriously charge him with this? It would be extremely unfair if anybody seriously charges Gen. Sundarji with this. Gen. Sundarji is a distinguished soldier with 35 years or more of service and he has served his country lovally throughout. Today to cast motives, to cast doubts is highly unfair. And, I think, on second thoughts my hon. friends will make amends to him for what they have said.

Now, having said this, I would like to come to the specific point that was raised. The point that was raised was that there is a fire locating radar —ANTPQ-37 which had been developed in the USA in 1978. And this was later on, it is said, acquired by Pakistan and so on. And this radar was not the radar which Gen. Sundarji has referred to in his evidence. This is 36 and he referred to 37. This is the first point. And the difference between these two radars is that this is of short range, the range is shorter whereas 37 is relevant to the medium field gun. And, I am sure, Shri Jaswant Singh knows this. But just for the information of the other Members of the House I may say because I am a layman, I am no expert in this, I have made enquiries from the Army Headquarters as to what exactly is the significance of 36 and 37, and this is the information that I have got from them. So, so far as this particular debate is concerned, the acquisition of 36 by the Army, i.e. ANTPQ-36 is not relevant in the selection of the Bofors gun. As far as 37 is concerned, I would refer my hon. friends to pages 67 and 68 of the JPC's Report. And in his testimony which has been reproduced at pages 67 and 68, Gen. Sundarji has said, and I quote:

> "We were aware that the USA was the only country developing such a radar. My anticipation at that time was that by the time this kind of technology becomes more prevalent in the USA and they are prepared to transfer this kind of radar to their allies, it would be almost a decade and a half later..."

In other words, around 1982, his assessment was that this latest technology system would be made available by the USA to its allies, to Pakistan in particular only around 1997. And it was only towards the end of 1985 that it became apparent that the USA might be preparing to release this system straight away to Pakistan. And this fact was confirmed only in early 1986. In other words, contrary to earlier assessments Pakistan appeared to be receiving these radars in the mid-80's rather in the mid-90's. It is this factor which led to the change of priorities. So, let me quote from Gen. Sundarji's testimony reproduced at page 67 of the JPC Report. I quote:

> "First of all, the USA had successfully developed a fire-finder radar, the ANTPS-37 and had also included this radar in the package

which they were giving to...as part of aid." I think, this should be ANTPQ and not ANTPS. "Now this made a considerable sea-change in our vulnerabilities which we race in the decades to come. Now, what I had hoped was a threat which would materialise in 1997 or so, unfortunately materialised much more rapidly than we anticipated or suspected."

I would like to conclude by stating that the Army Headquarters have reconfirmed the basic facts in this regard and I would, therefore, earnestly urge my hon. friends to allow this matter to rest here and to accept authoritative professional opinion in this matter.

SHRI JASWANT SINGH (Rajasthan): May I, with your permission, seek a clarification? This is not to pass any judgment upon a very distinguished soldier and a former Chief of Staff. This is a purely technical question about the development of ANTPQ-37. The information that is available is that ANTPQ-37 was in development from the year 1977 onwards. Seventy-two numbers of them were ordered by the USA, Pentagon, and by 1985 the delivery of those 72 was complete, which means that ANTPQ 37 was in fact in development, production and delivery from 1977 onwards and the delivery of 72 numbers was complete by 1985. That is why the doubt has arisen. The doubt is not about the honour or integrity of a former Chief of Army Staff. It is purely a factual clarification that is necessary.

SHRI K. C. PANT: Many hon. friends have been relying on the Jane's Weekly for this information. Now, I have here the Jane's Weopons Systems 1987-88, page 293, and I quote: This says: At least seven other countries have indicated an intention to procure the ANTPQ-37, including Pakistan which wishes to buy four systems etc. etc." "An intention to buy" in 1987-88. The fact of the matter is that Pakistan had secured this weapon earlier and yet in 1987-88 Jane's Weekly, which is a Bible to many hon. Members opposite, talks about Pakistan's intention to buy in the year 1987-88. We are talking now about the end of 1985 and beginning of 1986 and here in 1987-88 this is what Jane's Weekly has said. And, therefore, again without scoring a point all I would like to say is that please be careful when you are reading pournals, when you are particularly reading journals of other countries because there may be many reasons for them to write certain things. This is not a very simple matter. There are competitors. There are so many interests.

Therefore, please do not get caught in their net. I am not also ascribing motives to Jane's Weekly. But I have read out a factual position to you, which is not correct. The correct position is that in September 1985 in the United States of America a Congressional Notifiaction was issued and as my friend would know a Congressional Notification is mandatory under the U.S. law, if they have to transfer certain weapons systems and this is on 23rd September 1985 and this is a notice of the proposed issuance of letter of offer, prospective purchaser Pakistan, and estimated value, etc. etc. is given and the description of articles of service offered 4 ANTPQ 37 fire finder radar systems with ancillary support and equipment. I am talking of September 1985 and this is the notification that was issued. So, naturally if General Sundarji says that towards the end of 1985 the Army Hqrs got to know about it and that as the Chief he thought that this made a sea-change in the system, would you question him? The facts speak for themselves. Therefore my request is, you please trust your own people, trust your own people. Trust them because they are excellent people and don't create a smoke of suspicion and doubt all round. Is it going to help us? When we go into the facts, then this is the kind of facts which come out. I went into

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this since yesterday, because I have great respect for Shri Jaswant Singh; he does not speak lightly, and he made a point, and I thought I must go into it as to what exactly happened. I do not go into each and every fact in detail. By going into it in detail, the facts speak for themselves. My request to you is, trust somebody. We must trust each other; we must trust each other's *bona fides*. If we question each other's *bona fides* all the time, how can we make this democracy function? And this is the kind of climate which is being created today Whatever I say you doubt and whatever you say I doubt, and I doubt your motives and you doubt mine. Then there is no meeting point. And my sincere request to you is to work the democracy where majority must be able to carry minority with it. But minority must not pose as a majority. That is not possible also. This is my earnest request to you because this is where this debate is gradually leading us to. Even a responsible Member, a senior Member like Shri Chitta Basu, if he reads what he said yesterday, if he again goes through the words he used yesterday, I am sure he will never use them again...

SHRI CHITTA BASU (West Bengal): Why?

SHRI K. C. PANT: Because they denote a kind of a lack of confidence in each other, which I am sure you do not possess. I have known you for 25 years; you are not that kind of a person; but you got carried away yesterday. (*Interruptions*) He was tired at the end of a long day:..

SHRI V. GOPALSAMY (Tamil Nadu): You are expert in persuading others.

SHRI K. C. PANT: I have some hope of one day persuading you also if I am assured that long.

The question of price has been gone into *ad nauseam* by so many people, and to repeat the whole thing is not necessary. The Negotiating Committee did contain, as far as I remember, the Finance Secretary and the Secretary, Expenditure. I request Shri Vermaji to take account of this fact that Secretary Expenditure and Finance Secretary were present in the Price Negotiating Committee, and so the Finance Minister is necessarily involved, through his Secretary, in the Price Negotiating Committee. While I do not object if the Finance Minister says today that he did not go through the file or did not go into the facts or depended upon his officers and, therefore, signed the file, all those things are possible, but what reflection they cast on his ability to lead the country is another matter. But if he says it today, let us take him at his words. But to say that Finance Ministry is not responsible or to say that the Finance Minister signed on a particular file in a fit of amnesia, is not something which I am prepared to accept.

श्री वीरेन्द्र वर्मा (उत्तर प्रदेश) : मान्यवर, मेरा प्रश्न यह है, आपने फाइनेन्स मिनिस्टर की चर्चा की थी, डिफेन्स के सौदों की खरीद में डिफेन्स मिनिस्टर प्रायर-कीपर है या फाइनेन्स मिनिस्टर प्रायर-कीपर है ? जहां तक गन की क्वालिटी का सवाल है, उसको फाइनेन्स मिनिस्टर सर्टिफाई करेंगे अथवा डिफेन्स मिनिस्टर ?

SHRI K. C. PANT: This is a very valid question, Madam; absolutely valid question. On technical matters, Defence Ministry must take the responsibility; on financial matters, the Finance Ministry must take the responsibility. It is a very valid question.

श्री वीरेन्द्र वर्मा : नहीं-नहीं लेकिन गन की क्वालिटी किसने सर्टिफाई की ? किसने प्रमाणित की ?

श्री के० सी० पन्त : हमने की, डिफेन्स मिनिस्टरी ने की ।

श्री वीरेन्द्र वर्मा : ठीक है, जब आपने कर दी तो फाइनेन्स मिनिस्टर ने दस्तखत कर दिए । . . . (व्यवधान) . . . .

श्री के० सी० पन्त : किस चीज पर ? क्वालिटी एसपेक्ट हमने देखा, प्राइस कितनी थी, यह उन्होंने देखा ।

श्री वीरेन्द्र वर्मा : बस तो फिर फाइनेन्स मिनिस्टर ने कर दिया ।

श्री के० सी० पन्त : यह तो इन्होंने दूध का दूध और पानी का पानी कर दिया ।

श्री वीरेन्द्र वर्मा : बिल्कुल यह तो करना ही था ।

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश) : महोदया, सारा दूध रक्षा मंत्रालय में है और वित्त मंत्रालय में पानी ही पानी है ।

श्री के० सी० पन्त : लगता है कि इसका उल्टा हुआ ।

Therefore, the point really is that the lowest price was obtained, that the best financial terms were obtained, that credit was obtained on attractive terms financial and performance guarantees were obtained and uninterrupted supply of flow of the guns was fully assured. And these findings are confirmed by subsequent evidence. Therefore, this is the most important part of this whole debate. When I say that negotiations were conducted very exhaustively, very skillfully and very thoroughly, indirectly, I am also praising the then Finance Minister. The negotiations were conducted skillfully. I would say, the price obtained was lower than the floor price quoted by the lowest tenderer at that time; when the latter were on the verge of losing the contract. This everybody knows. The French were the lowest tenderers. The French knew that if they did not bring down the price, they would lose the contract because the letter of intent had already been issued to the Bofors. This is what I recollect. Letter of intent had already been issued. I would like to ask hon. Members, many of whom are experienced in Government, after a letter of intent is issued, how many cases do they know where prices are again reduced through negotiations?

SHRI JAGESH DESAI (Maharashtra): Never.

SHRI K. C. PANT: It is never done. Letter of intent is issued and there the matter ends. But in this case, even after the letter of intent was issued, the French brought down the price. Ultimately, the Swedes were persuaded to give away ten guns free in order to see that the price would become lower; and each gun is one crore plus.

SHRI JAGESH DESAI: It is two and a half per cent.

SHRI K. C. PANT: I am only saying that there is little doubt, if one goes into the facts—these facts have been brought out very clearly—that this was the lowest achievable price and that there was no further competition from any quarter at that particular point of time. This is what has come out. This is what has been established. Does this not mean that once the lowest price has been achieved, then, whether the Bofors paid winding up charges or whether they paid commission—'The Hindu' says Bofors paid commission—it came out of their earnings? Whether they should have paid this or not; that is a different matter. (*Interruptions*) I am not saying they should have paid it or they should not have paid it.

SHRI V. GOPALSAMY: The documents clearly bring out that these were commissions.

SHRI K. C. PANT: You call it whatever you like. (*Interruptions*)

SHRI V. GOPALSAMY: Unless you doubt the veracity and the authenticity of these documents.

SHRI K. C. PANT: The authenticity is being enquired into.

SHRI PARVATHANENI UPENDRA: Commission for what services rendered by them?

SHRI K. C. PANT: The point I am making at this point is not whether it is this or that. The point I am making is that having reached the rockbottom, price, whatever was paid by the Bofors, whether as winding up charges or as commission, according to 'The Hindu' was paid out of their earnings.

SHRI DIPEN GHOSH: For what purpose?

SHRI PARVATHANENI UPENDRA: For what purpose they were paid?

SHRI K. C. PANT: In other words, I do not think anybody has said that there was any laxity in the matter of getting the lowest price. (*Interruptions*) This is an important point.

SHRI M. S. GURUPADASWAMY: For what demonstrable purpose these payments were made?

SHRI K. C. PANT: I am not sweeping that under the carpet. That question remains. That enquiry remains. I have myself said that the CBI is enquiring into the facts. It is not that I am trying to bamboozle you. What I am saying is that you should also not try ot bamboozle me. Therefore,...

SHRI V. GOPALSAMY: We are not bamboozling you.

SHRI K. C. PANT: All I am saying is that once we reach the rockbottom price, thereafter, whatever payment is made is made not at the cost of the country. It may be a wrong payment. 'The Hindu' says it is a wrong payment. But it is not paid at the cost of the country as such. This is the rockbottom price We can argue on other things. But, so far as this point is concerned, I think, it is conceded by all.

SHRI M. S. GURUPADASWAMY: It was made at the cost of the country.

SHRI K. C. PANT: I will amend it. It is conceded by all reasonable people.

SHRI M. S. GURUPADASWAMY: We are more than reasonable.

SHRI PARVATHANENI UPENDRA: Quality of the gun and the price are side issues. The main issue is the kickbacks. To whom it was paid and why was it paid?

SHRI M. S. GURUPADASWAMY: It was at the cost of the country. Payments in relation to the contract. (*Interruptions*)

SHRI K. C. PANT: I am turning to Mr. Gopalsamy's point. He said that, earlier, the Bofors said that these were winding up charges but, accodding to 'The Hindu' documents, what was paid was commission. Now the charge is that they gave us erroneous impression, that they conveyed wrong information to us. Against whom is that charge?

SHRI V. GOPALSAMY: The Prime Minister said that no payments were made.

SHRI K. C. PANT: You have made a point and I am taking your point. I am not evading or avoiding it. I am taking up your point. I said that you have made the charge that earlier they had talked of winding-up charges, now the Hindu documents show that these are commission payments. I say that these are being enquired into, I do not take a position there. Suppose, for a moment you are right, then your charge is, did Bofors say something different than what it was? Against whom is that charge? Is it against the Government? Is it against the JPC? Is it against the Government? No, it is against Bofors. Please remember that.

SHRI JAGESH DESAI: It is against Bofors.

SHRI V. GOPALSAMY: All right, I agree that it is against Bofors.

SHRI DIPEN GHOSH: Suppose, you say that the price was rock bottom. So, the money, whether it was paid in the shape of windingup charges or the commission, was paid out of the exchequer of Bofors. Do you want to say that the commission paid to an Indian, connected with certain politicians—commission or bribe or winding up cost, whatever it may be—maybe out of the Bofors pocket, was permissible? Was it permissible?

श्री वीरेन्द्र वर्मा : एक मान्यवर, इतनी सी बात बता दे कि आपके साथी, कुलीग स्टेट डिफेंस मिनिस्टर ने.....

THE DEPUTY CHAIRMAN: I am on my legs. देखिए कि बार-बार हो रहा है कि आनरेबल सदस्य उठकर पूछ रहे हैं। मैंने अभी तक किसी को मना नहीं किया है लेकिन इसका यह मतलब नहीं है कि बार-बार आप पूछते रहें ...

SHRI PARVATHANENI UPENDRA: He is yielding.

THE DEPUTY CHAIRMAN: That is why I also yield.

SHRI DIPEN GHOSH: In the process let us get at the truth.

श्री वीरेन्द्र वर्मा : वह तो इजाजत दे रहे हैं और वह बिलकुल साफ करना चाहते है। लोगों के दिमाग में भ्रम न रहे कोई भी, यह साफ करना चाहते हैं।

श्री जगेश देसाई : यह तो सीधी-सादी बात है कि अगर उन्होंने लिया है तो वह उनका ही प्राफिट है ...

श्री वीरेन्द्र वर्मा : यह जवाब देने के लिए तो मान्यवर वे ही काफी है...

उपसभापति : सुनिए, सुनिए, अगर आप परमिशन लेकर कुछ पूछना चाहें तो एक आध परमिशन मिल सकती है लेकिन बार-बार आप उठके पूछना चाहें तो...

श्री वीरेन्द्र वर्मा : आपकी और उनकी परमिशन से एक बहुत छोटा सा क्वेश्चन आपसे केवल...

SHRI M. S. GURUPADASWAMY: Our difficulty is...

THE DEPUTY CHAIRMAN: You can ask at the end. I will allow you. Mr. Gurupadaswamy, I have highest regard for you. (*Interruptions*). This is a bad practice. I am on my legs.

SHRI V. GOPALSAMY: He responded to my query.

THE DEPUTY CHAIRMAN: I am on my legs, do you see that? Let it be in a very good atmosphere, let the answer be taken in its spirit. You can ask your questions, does not matter. I can allow you if you ask short questions, but if you get up every now and then... (*Interruptions*). This is the third or fourth time that you are asking a query. So far I did not object but I think it is time for me to request all of you not to do it.

SHRI K. C. PANT: Madam, I do not think frequent interruptions will throw further light on this because we have discussed this threadbare so many times. The point I made was a simple one. In reply to a question asked by my friend I was trying to say, yes, this was what they said and this is what the Hindu documents are now saying. If these documents ar correct, then there is the discrepancy between the two and then the charge can be made, why did they say that? This was the point

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at which I was interrupted. I was saying that earlier it is acknowledged by all that it is the Government of India which told Bofors that they should have no agents. Now this is accepted. Olof Palme confirmed it. This fact is not disputed. At that particular point of time Bofors told us, yes, we will agree to this, they said that the Swedish Government would agree to it. Now if this is not a fact, if further enquiries establish that this is not a fact, certainly it is most unfortunate, who can doubt that? But enquiries are going on. You must understand that a certain amount of restraint has to be exercised while enquiries are going on, but I have no doubt in my own mind that if enquiries establish that this is so, then the right thing would have been for the Bofors to have come to us and said that we have certain arrangements, that we will have to wind up these arrangements because you are insisting upon "no agents" whereas our old arrangement is this. They should have made a clean breast of it and told us exactly what was what. That is what they should have done. In the course of that if they experienced any difficulty, the right thing would have been to come to us and say: "You have said this. We are trying to do this. We are facing these difficulties. We may not be able to go as far as you want, or we may have to make such payments if we are to adhere to what you say". Whatever it is, let the facts be established. If these facts are established, certainly I would agree with you. Where is the question of our disagreeing when certain facts are established? Let us not doubt each other. I am not here to plead for Bofors. If Bofors do something wrong, I would be with you and you will be with me incondemning them. Let us be absolutely open and reasonable in this matter. I assure you whatever comes out, we will face it together and we will take whatever action is necessary. There should be no doubt in your mind on that particular aspect.

Now the question raised by my hon. friend is about kick-backs and payments. He says: Is it right that kick-backs and payments be made? Of course it is not right. But do I need to explain that to you? You said that. So, therefore, when I make a serious point with regard to the price, need you have asked this frivolous question? The answer is obvious 'no'. The unfortunate part is that some friends have said that this is also established that there was payment of bribes. Where has it been established? Even if you see the *Hindu* documents carefully—the June documents as well as the April documents—there is no evidence of kickbacks.

SHRI DIPEN GHOSH: But these show payment of disproportionate commission.

SHRI K. C. PANT: All that they are saying is that there are names of certain Indians who may have been acting as conduits. That is all. I have listened to every speech with extreme care. Nobody has gone beyond that. Nobody has said that a politician has got money. And yet they say that the Prime Minister is saying that no politician has got any money, that a politician is not involved. That is what he said; that is all he said. The *Hindu* documents show that no politician is involved. I have heard all the speeches. Not one person has said that. And I commend your fairness in this matter. Not one of you has said that a politician is involved. So, therefore, Madam, this point is quite clear.

Now about the extraneous influences having been brought to bear in this matter, I have already talked about the price. But I would also like to say just one sentence about the Swedish Prosecutor. The Swedish Prosecutor apparently also went into this whether bribes were obtained or not and he also had access, I believe, to the documents and after

seeing all these, he could not find any evidence to establish this charge.

SHRI PARVATHANENI UPENDRA: That was earlier.

SHRI DIPEN GHOSH: We want this gone into afresh.

SHRI K. C. PANT: I have to refer to earlier things also, because Shri Jaswant Singh, for instance, said: why were certain people not called for evidence? He referred to, I think, Mr. Rinberg and also referred to two or three other persons, I remember. Otherwise normally at this stage of the discussion—this is the third or fourth occasion, I forget which it is—I would not have gone into the JPC evidence. It is not for me, but it is for the JPC to decide whom to call, whom not to call. The whole thing is before you. The reports are before you.

SHRI V. GOPALSAMY: That is not your baby.

SHRI K. C. PANT: It is Parliament's baby.

Whether Sweden was approached is another question which my friends asked. Now I have looked at the report and I find in the Report, on page 140, an enquiry in Sweden was held; I quote para 7.87:

> "As directed by the Chairman, JPC, the investigating team met the following officials in connection with the enquiry".

Then it gives the names of officials. Then on page 141, it says and I quote:

> "In view of the fact that no Swedish law had been violated, Mr. Aberg...."

—Mr. Aberg is the Under Secretary of State in the Ministry of External Affairs; he is a Government man...

> "....that the evidence secured by the Chief District Prosecutor, Mr. Ringberg would not be available to the Joint Parliamentary Committee. Mr. Aberg also stated that no evidence of any kind was found by the Chief District Prosecutor, Mr. Ringberg, to show that bribes were paid to any Indian, whether resident or non-resident in India to win the Indian contract by AB Bofors."

1.00 P.M.

Now, this is a statement made by an official of the Swedish Government and it says that Ringberg had not found any such evidence. So, this is a clear statement which I thought I should bring to you.

SHRI DIPEN GHOSH: In the light of the new evidence.

SHRI K. C. PANT: They have gone into all the papers there. (*Interruptions*).

THE DEPUTY CHAIRMAN: Please don't interrupt.

SHRI K. C. PANT: It will take a long time if I answer every interruption, but these documents are purported to be Bofors documents and Ringberg is supposed to have looked at all the documents at Sweden.

SHRI DIPEN GHOSH: Supposed to have.

SHRI K. C. PANT: I am not Ringberg. I am no C.I.D.

SHRI DIPEN GHOSH: It has not been authenticated.

SHRI K. C. PANT: I have no idea whether at this stage inquiries have been made, whether these are authenticated or not, but my information is that the Swedish papers were made available to him. But if

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anybody knows Ringberg better or has a direct link with Ringberg, he can tell us.

SHRI DIPEN GHOSH: If you don't have that information, then you have to go by record.

SHRI K. C. PANT: You have to go to the Swedish Government to ask Ringberg.

THE DEPUTY CHAIRMAN : Mr. Ghosh, you have forgotten what I told you earlier.

SHRI K. C. PANT: Partly it is his excitement, partly it is his nature and partly it becomes difficult when lunch time approaches.

SHRI DIPEN GHOSH: I don't mind. I can forego lunch.

SHRI K. C. PANT: I quote from page 141:

> "The information relating to the details of the payments of SEK 319 million was given by the SVERIGES RIKSBANK (The Bank of Sweden) to the Chief District Prosecutor on the strict promise and understanding that the said information will be kept secret as it is protected by Section 5 of the Official Secrets Act of Sweden."

We are talking now of the Swedish laws. The Swedish law operates there.

> "In the circumstances, it may not be possible for anyone to confirm or deny whether the details published in the Swedish Newspapers regarding amounts paid, names of recipients, account numbers etc. are in fact correct."

They were not prepared to confirm or deny what appeared in Swedish newspapers, far less in the 'Hindu'. So, you see the difficulty. You must understand the nature of the limitations under which we operate in a foreign country.

Then this gentleman goes on to say and I quote:

> "As far as the Government of Sweden is concerned, they are not doing anything further in the matter, and it is for AB Bofors to clarify, if necessary, the position and dispel any doubts."

The Government of Sweden has said that they do not have anything to do with it.

Then at next page, page 142, I quote:

> "RIKSBANK did give the details of payments/remittances made by AB Bofors to their agents, to the Swedish National Audit Bureau, as well as the Chief District Prosecutor, Mr. Lars Ringberg, but both of them are bound by Section 5 of Chapter 9 of the Official Secrets Act of Sweden.

So, what are they going to tell us, what are they going to find out? So, this is the kind of thing which, if it is said loosely, may carry conviction, but if you go into it, you will find that they also operate under certain limitations of their own laws.

Then finally the Inspector-General of Military Equipment, Ministry of Foreign Affairs, Stockholm, had this to say at page 142:

> "Mr. Hirdman stated that he had personally gone through the Swedish National Audit Bureau's report and there is nothing in that report to indicate that bribes have been paid to Indians, resident or non-resident, in India to win the contract."

So these are some of the statements that I think should be taken into account by the House when making suggestions of the kind that have just been made.

Then, there was one point which Shri Jaswant Singh has made, that is, about calling Mr. Martin Ardbo. He said "Why was Mr. Martin Ardbo not summoned by the Joint Parliamentary Committee?". Now, I have before me the Report of the Joint Parliamentary Committee, part II which is in the Library. I do not know whether he has had the time to go through this. This is the minutes of the 43rd sitting on page 2. I quote:

"At the outset the Chairman informed the Members that after adjournment of the sitting of the Committee on 6th April, he has received a communication from the Minister of External Affairs conveying the reaction of Mr. Martin Ardbo former President, AB Bofors to the telex message sent to him for appearing before the Committee for evidence. Mr. Ardbo rang up the Indian Ambassador in Sweden expressing his inability to visit Delhi for evidence before the Committee. He had no longer any position and in his private capacity he has nothing more to add to what he had already said, etc. etc. He also added at the end that he did not intend to show any disrespect to the Joint Parliamentary Committee."

In other words, it is not correct to say that Mr. Ardbo was not called by the Joint Parliamentary Committee. It would be correct to say that he did not come.

Now, a suggestion that many Members have made is with regard to a second Joint Parliamentary Committee. They want one more Joint Parliamentary Committee. Now, Madam, the question is : what will it do? All the material which the Government had has been placed at the disposal of the first Joint Parliamentary Committee. I had promised in this House and I had told my friends when we met separately outside also that we would make all the material available and would not go by any kind of excuse, secret papers or anything else we would let them see and we made everything available to the Joint Parliamentary Committee. Senior Officers went, Army Officers went, Civil Officers went and Retired Officers even went and...

SHRI V. GOPALSAMY: Mr. Arun Singh has expressed his displeasure for not having called him.

SHRI K. C. PANT: Well, true, Mr. Arun Singh expressed his displeasure. But whoever wanted they did go and we certainly did not come in the way. We have not stopped anybody going. As Government we have given every facility to the Joint Parliamentary Committee. The investigating agency was made available. They used them. The Attorney-General was with them and he gave his expert advice. That expert advice may or may not be to the liking of myself or my friends opposite but it is the Attorney-General's advice and, therefore, to that extent, it deserves great consideration so far as legal matters are concerned, if you believe in the rule of law. We have to go by the advice of the Attorney-General We cannot ignore it. Under the Constitution the Government is bound by that advice virtually.

Sir, they have submitted a comprehensive report to the Joint Parliamentary Committee and now that has been debated in Parliament. The Joint Parliamentary Committee is a mini Parliament and the Joint Parliamentary Committee in this case has produced these documents which I have before me. They have worked thoroughly. They have taken great pains and after that they have produced this report. What more is the second Joint Parliamentary Committee is going to get? That is the first point.

The second point is, are we going to have one Joint Parliamentary Committee after another? We had the first Joint Parliamentary Commit

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tee because friends opposite wanted it; otherwise it has never been done earlier. This appointment of a Joint Parliamentary Committee in such a case had never been done earlier, but we did it out of deference to the wishes of the friends opposite. It is most unfortunate that they could not persuade themselves to participate in it. I still think that if they had participated in it, it would have added to the weight of the Committee and it would have added to the weight of the findings and if they had disagreed and expressed disagrement that too would have contributed to strengthen a Parliamentary Committee and I think that would have been a much better way of going about it. We have to build institutions in this country. Today, I find in this responsible House which is supposed to be House of elders, though many young people are luckily in it. But I find that people are questioning the Chief of Army Staff people are questioning the seniormost officers of the Government, people are questioning the other senior officers in the army, people are questioning the Attorney General, people are questioning above all the J.P.C. which is their own creature, which consists of Members of this House and the other House, their colleagues, who sit with them in other Parliamentary Committees and today, if everybody is suspect in the country, then who is going to run this country? If no institution is sacrosanct, not even that of the Prime Minister, how is this country going to run? So, I would earnestly request you not to demolish institution after institution and the crux of this debate is that whereas we can be together in any matter which requires enquiry, if there is wrong doing, we should punish the wrong-doer .We should also be together in sustaining institutions in this country on which our entire democratic structure and polity are based. That is my only request to my hon. friends and I would like them to give at least a certain amount of consideration to their own colleagues in the JPC, if to nobody else, not even to the Government, but at least to the JPC, to their own colleageus, a certain amount of consideration is due.

Now the second point again is that the JPC cannot function as an investigative agency and must necessarily rely upon the investigative agencies of the Government, foremost among them the C.B.I., the Enforcement Directorate, the Income Tax authorities etc. etc. and investigating agencies are already going into this matter. Therefore, there is no real case just now for the second J.P.C.

Then, Madam, I think, one other point was made and I think, that point needs an answer and that is with regard to the possibility of cancelling the contract. Shri Jaswant Singh raised that point. Shri P. Shiv Shanker, dealt with it. He asked me, did a certain document go from one Ministry to another and so on? I would like to answer him as to the substantive point, namely, that we have considered various options that if Bofors is found to be in the wrong, what should the Government do, what are the options. We have certainly not ignored the option of the cancellation of the contract. We have not ignored the other options that have been mentioned in the House. Why should we? Naturally, we are as concerned as you are in the matter. So, we have considered all these options but we will not do anything out of pique and we will not cut our nose to spite our face. We will not do anything which will affect the defence preparedness of this country. At the same time, after the enquiry is complete, we will weigh the evidence that is before us and we will then decide what needs to be done in the circumstances. We will show as far as the substantive matter is concerned, certainly we have considered this and other options.

Now, one question was raised about the theft of certain files. That question I should clarify. This is a matter of theft of files from the office of the Directorate General of Electrical and Mechanical Engineering of the Army Headquarters in New Delhi. It is true that a theft did occur, apparently, sometime, during the three holidays on 23rd to 25th July 1988. 75 files, none of which was classified, relating to the vehicles section of the directorate were stolen. None, I repeat, of these files related to the Bofors Gun system and one thing intrigued me. I could not understand why the Government, in whose possession these files have been all these years, should have been charged with committing a burglary to get them. That is one point whih ompletely escaped. (*Interruptions*) .....

So, at least in this one case, the Government is not in the dock. Somebody else has done it. (*Interruption*)....

SHRI PARVATHANENI UPENDRA: You are responsible for the safety of the files.

SHRI K. C. PANT: Yes, that I agree. (*Interruptions*)...

SHRI PARVATHANENI UPENDRA: That is all and if the files are stolen from the defence establishment, that is all the more serious.

SHRI K. C. PANT: I agree. it is a serious matter. I agree that this is a serious matter. I agree that you did not say it. I do not know if you were in the House. You did not say it. (*Interruptions*). It was said that the implication was, there were some Bofors files and therefore—what was it? Yes,—Watergate and other things were raised. There was a sinister dimension of this question because of the introduction of Bofors. That sinitster dimension is not there. That point I should make. Otherwise, the seriousness of it, I accept fully. I fully accept the seriousness of the matter. Now, firstly, the matter.... (*Interruptions*).

SHRI PARVATHANENI UPENDRA: If you have done it, you would not have admitted it.

SHRI K. C. PANT: There is no question of admitting. We have taken action long before the matter was raised. It was reported to the police. The police are conducting enquiries. Departmental enquiry is being conducted. The guard commander has also been arrested pending disciplinary action. The matter is serious as I said. If it was not serious, I would not have remembered it. You might remember that I said that no notice has been given. But because it is a serious matter and as I have seen the files sometime back and because I am naturally concerned with what has happened in a zone next to us, I remembered it. Naturally it is a serious matter and I take a serious note of it. That is why I remembered and therefore, when the matter was raised, I could say... (*Interruptions*)

SHRI PARVATHANENI UPENDRA: Those files concern what?

SHRI K. C. PANT: I have explained it. As I have said already, they relate to the vehicles section of the Directorate, Directorate-General of Electrical and Mechanical Engineering, of Army Headquarters. So, Madam, I do not want to repeat what I have already said. I have some more points. But I think this is enough. The House has heard enough on this question. The only thing I would like to .... (*Interruptions*)

SHRI M. S. GURUPADASWAMY: Do not draw the curtain again

SHRI K. C. PANT: I will not draw the curtain provided you do not con-

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duct a trial by innuendo. (*Interruptions*)

SHRI PARVATHANENI UPENDRA: You must tell us where these sixty-four crores have gone.

SHRI K. C. PANT: There are certain well-established .... (*Interruptions*) principles of jurisprudence. The trouble is that you would like to change them. (*Interruptions*). Allegations cannot be equated to proof, which is what is being attempted to be done. (*Interruptions*)

PROF. C. LAKSHMANNA: Denials also cannot be proof.

SHRI K. C. PANT: A person is guilty until he is found innocent. This is a completely new principle of jurisprudence. That is what...(*Interruptions*) .. That is what we are being told. 'You are guilty until you prove yourself innocent.' Is that a valid thing? If we say it to each other, where does the matter end? (*Interruptions*). The prosecutor does not have to establish the guilt. The innocent has to prove the prosecutor wrong. This is the new jurisprudence. (Interruptions). This is a kind of approach which creates doubts about the motives. Otherwise, we may not even object to it. Even the last time, we might have agreed to one of the Opposition Members being the Chairman. But you create all these doubts. You wanted it to be a Star Chamber. And you have judged us, you have prejudged us. You have condemned us before we even started. (*Interruptions*).

SHRI PARVATHANENI UPENDRA: But, you did not agree.

SHRI K. C. PANT: Of course, we did not agree because we know you. (*Interruptions*). And the soundness of our judgment has been borne out by this kind of approach. My point really is that the day you change this approach and adopt a reasonable approach according to the rule of law in this country, we can together solve all the problems. But if you are bent upon finding us guilty, whether we are guilty or not, then, I am afraid, we cannot help you to do that. And this is the only point I want you to seriously consider. Otherwise, we have cooperated in all fields of public life. I hope we will cooperate even more closely together. Let us cooperate in a constructive manner. Let us cooperate without casting doubts on each other motives. That is the only way we can carry this country forward. Thank you very much.

THE DEPUTY CHAIRMAN: Now, the short duration discussion.

SHRI ATAL BIHARI VAJPAYEE *Interruptions*

SHRI JASWANT SINGH: Madam, only one clarification, a very short clarification. A CBI enquiry has been ordered in this matter. My distinguished colleague, Mr. Balaram, asked whether you have got a time-frame for the completion of this enquiry. Has the Government a time-frame within which the CBI would complete this inquiry? (2) Once the CBI inquiry is completed and whatever the CBI findings are, would the Government come forward and take Parliament into confidence about it?

SHRI V. GOPALSAMY: Will this Government request the Swiss Government to intiate a fresh investigation by the Swedish Special Prosecutor based on the recent revelations in the Hindu?

SHRI K. C. PANT: I cannot indicate the time-frame because I am not conducting the inquiry. I think it is a little difficult to say, do it in two weeks or do it in three weeks. It will depend upon the course of the inquiry. I am really no expert in this matter. But those who are charged with the inquiry will have to see whether they need to go out or whether they need to take more

evidence or investigate deeper into the matter. I do not know. That is a matter in which a time-frame cannot be indicated.

SHRI PARVATHANENI UPENDRA: Before the end of the Session would you make a statement?

SHRI K. C. PANT: I cannot promise a statement towards the end of the Session. It all depends on the progress of the inquiry. Then, the question of requesting the Swedish Government...

SHRI JASWANT SINGH: The second part of my question — once it is completed, will you take Parliament into confidence?

SHRI K. C. PANT: We will do what is normally done. So far as Mr. Gopalsamy's question is concerned, we are relying on our own agencies and we have confidence in them.

SHORT DURATION DISCUSSION

II. Recent incidents of atrocities on harijans and tribals in some parts of the country

श्री अटल बिहारी वाजपेयी (मध्य प्रदेश) उप सभापति महोदय, देश के कुछ भागों में हरिजनों तथा आदिवासियों पर अत्याचार की जो हाल में घटनाएं हुई हैं उन पर चर्चा आरम्भ करने के लिए मैं खड़ा हुआ हूं। इस चर्चा की सूचना मुझे छोड़कर 40 अन्य सदस्यों ने दी है। इस का अर्थ यह है कि सम्मानित सदन के सदस्य देश के भिन्न-भिन्न भागों में हरिजनों और वनवासियों के साथ जो कुछ हो रहा है, उस से चिंतित हैं और इस तरह की घटनाएं भविष्य में न हों, इन्हें किस तरह से रोका जाए, इस संबंध में सरकार का दृष्टिकोण जानना चाहेंगे और सरकार पर दबाव भी डालना चाहेंगे। कभी-कभी ऐसा लगता है कि यह चर्चा एक रसम अदायगी हो गई है।

THE DEPUTY CHAIRMAN: Would you like to continue after lunch?

श्री अटल बिहारी वाजपेयी : हां, मैं लंच के बाद बोलूंगा।

उप सभापति : वही अच्छा रहेगा क्योंकि आपकी कंटीन्युटी रहेगी।

The House stands adjourned for lunch and will meet at 2.30 p.m.

The House then adjourned for lunch at twenty-five minutes past one of the clock.

The House reassembled after lunch at thirty-five minutes past two of the Clock. [**The Vice-Chairman (Shri Jagesh Desai)** in the Chair.]

THE VICE-CHAIRMAN (SHRI JAGESH DESAI): Yes, Mr. Vajpayee.

श्री अटल बिहारी वाजपेयी : महोदय, जब-जब हम सदन में हरिजनों और वनवासियों के बारे में, जिन्हें हम परिगणित जाति और परिगणित जनजातियों के रूप में जानते हैं, चर्चा होती है तो इस बात का उल्लेख किया जाता है कि उन पर होने वाले अत्याचारों में कमी होने के बजाय वृद्धि हो गयी है। सरकारी आंकड़े भी इस बात को पुष्ट करते हैं। मेरे पास 1986–87 के आंकड़े हैं। मैं चाहता था कि 1987 के आंकड़े भी उपलब्ध हों। हम 1988 में रह रहे हैं, लेकिन आंकड़े एकत्र करने की प्रक्रिया भी शायद धीमी है जैसे कि अत्याचारों को रोकने में शासन की प्रक्रिया धीमी है।

वर्ष 1985 में परिगणित जातियों के विरुद्ध ज्यादतियों के पुलिस ने जो मामले दर्ज किए, उन की संख्या 15,373 थी। 1986 में यह संख्या और बढ़ गयी। 1986 और 87 के सितम्बर-अक्तूबर के बीच के जो आंकड़े हैं उन से लगता है कि इस संख्या में और भी वृद्धि हो गयी है।